



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 19, 2012**

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Senate File 2123

H-8280

- 1 Amend Senate File 2123, as passed by the Senate, as  
2 follows:  
3 1. Page 1, after line 23 by inserting:  
4 <Sec. \_\_\_\_\_. Section 124.401, subsection 4, Code  
5 Supplement 2011, is amended by adding the following new  
6 paragraphs:  
7 NEW PARAGRAPH. o. Ammonium sulfate.  
8 NEW PARAGRAPH. p. Ammonium nitrate.  
9 NEW PARAGRAPH. q. Sodium hydroxide.>  
10 2. Title page, line 1, after <schedules,> by  
11 inserting <including possession of certain substances  
12 relating to the manufacture of a controlled substance,>  
13 3. By renumbering as necessary.

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WORTHAN of Buena Vista



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Senate File 2311

H-8281

- 1 Amend Senate File 2311, as passed by the Senate, as  
2 follows:  
3 1. Page 3, line 25, after <3.> by inserting <a.>  
4 2. By striking page 3, line 33, through page 4,  
5 line 2, and inserting <and providing that ~~the project~~  
6 a permanent soil conservation practice will not be  
7 removed, altered, or modified so as to lessen its  
8 effectiveness without the consent of the commissioners,  
9 obtained in advance and based on guidelines drawn up by  
10 the state soil conservation committee, for a standard  
11 period of twenty years after the date of>  
12 3. Page 4, after line 8 by inserting:  
13 <b. Notwithstanding paragraph "a", the  
14 commissioners may provide for a reduced period that  
15 a permanent soil conservation practice will not be  
16 removed, altered, or modified. The reduced period  
17 may be for any number of years less than the standard  
18 period, and may include related terms or conditions  
19 agreed to by the commissioners and the owner of the  
20 land. The commissioners shall not provide for a  
21 reduced period unless all of the following apply:  
22 (1) The reduced period is due to an extraordinary  
23 condition or unforeseen circumstance as provided in  
24 rules adopted by the division.  
25 (2) The reduced period is in writing and the  
26 reduced period together with any related terms or  
27 conditions are included in the agreement as provided  
28 in paragraph "a", an addendum to the agreement, or  
29 a written waiver. Any addendum or waiver must be  
30 filed with the agreement prior to the permanent soil  
31 conservation practice being removed, altered, or  
32 modified.>  
33 4. By renumbering as necessary.

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ISENHART of Dubuque

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House File 2339

H-8282

1 Amend House File 2339 as follows:  
2 1. Page 11, after line 7 by inserting:  
3 <Sec. \_\_\_\_\_. Section 514E.1, Code 2011, is amended by  
4 adding the following new subsection:  
5 NEW SUBSECTION. 12A. "*HIPIOWA-FED*" means the  
6 limited liability company organized by the association  
7 for the purposes of administering the state of Iowa  
8 temporary high-risk insurance pool program pursuant to  
9 a contract with the United States department of health  
10 and human services.  
11 Sec. \_\_\_\_\_. Section 514E.2, subsection 2, Code 2011,  
12 is amended by striking the subsection and inserting in  
13 lieu thereof the following:  
14 2. *a.* The board of directors of the association  
15 shall consist of seven voting members and seven  
16 nonvoting members. The voting members shall be  
17 appointed by the governor, subject to confirmation by  
18 the senate. The governor shall designate one voting  
19 member as chairperson and one as vice chairperson.  
20 *b.* The voting members of the board of directors  
21 shall be appointed by the governor as follows:  
22 (1) Two persons who represent the interests of  
23 small business from nominations made to the governor  
24 by nationally recognized groups that represent the  
25 interests of small business.  
26 (2) Two persons who represent the interests of  
27 consumers from nominations made to the governor  
28 by nationally recognized groups that represent the  
29 interests of consumers.  
30 (3) One person who is an insurance producer  
31 licensed under chapter 522B.  
32 (4) One person who is a health care actuary or  
33 economist with expertise in health insurance.  
34 (5) One person who is a health care provider.  
35 *c.* The nonvoting members are as follows:  
36 (1) The commissioner or the commissioner's  
37 designee.  
38 (2) The director of human services or the  
39 director's designee.  
40 (3) The director of public health or the director's  
41 designee.  
42 (4) Four members of the general assembly,  
43 one appointed by the speaker of the house of  
44 representatives, one appointed by the minority leader  
45 of the house of representatives, one appointed by the  
46 majority leader of the senate, and one appointed by the  
47 minority leader of the senate.  
48 *d.* Meetings of the board of directors shall be held  
49 at the call of the chairperson or upon the request of  
50 at least two voting members. Four voting members shall

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1 constitute a quorum and the affirmative vote of four  
2 voting members shall be necessary for any action taken  
3 by the board.  
4 e. The voting members of the board of directors  
5 shall be appointed for staggered terms of three years  
6 within sixty days after the effective date of this  
7 section of this Act and by December 15 of each year  
8 thereafter. The initial terms of the voting members  
9 of the board shall be staggered at the discretion  
10 of the governor. A voting member of the board is  
11 eligible for reappointment. The governor shall fill a  
12 vacancy on the board in the same manner as the original  
13 appointment for the remainder of the term.  
14 f. Members of the board may be reimbursed from the  
15 moneys of the association for expenses incurred by them  
16 as members, but shall not be otherwise compensated by  
17 the association for their services.  
18 Sec. \_\_\_\_\_. Section 514E.2, subsection 4, Code 2011,  
19 is amended to read as follows:  
20 4. a. The plan of operation may provide that the  
21 powers and duties of the association may be delegated  
22 to a person who will perform functions similar to those  
23 of the association. A delegation under this section  
24 takes effect only upon the approval of both the board  
25 of directors and the commissioner. The commissioner  
26 shall not approve a delegation unless the protections  
27 afforded to the insured are substantially equivalent to  
28 or greater than those provided under this chapter.  
29 b. A delegation made to a person pursuant to  
30 this subsection shall be subject to annual review  
31 by the government oversight standing committees of  
32 the general assembly. Within sixty days after the  
33 effective date of this section of this Act and annually  
34 thereafter, any person to whom the powers and duties of  
35 the association have been delegated pursuant to this  
36 subsection shall submit a report to the government  
37 oversight committees setting forth the following:  
38 (1) The scope of the functions performed by the  
39 person.  
40 (2) Any contractual provisions between the person  
41 and the association or between the person and any other  
42 entity on behalf of the association.  
43 (3) An accounting of the activities and services  
44 performed by the person on behalf of the association.  
45 (4) An accounting of all payments made to the  
46 person by the association, including but not limited to  
47 an itemization of the services rendered and the amount  
48 of each payment apportioned to the performance of each  
49 activity or service.  
50 (5) Any other information requested by the board

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1 of directors of the association, the commissioner of  
2 insurance, or the government oversight committees.

3 Sec. \_\_\_\_\_. Section 514E.2, Code 2011, is amended by  
4 adding the following new subsection:

5 NEW SUBSECTION. 5A. The association shall accept  
6 third-party payment of premiums for an individual  
7 enrolled in health insurance coverage from the  
8 association.

9 Sec. \_\_\_\_\_. Section 514E.2, subsection 7, Code 2011,  
10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. *Ob.* Following the close of each  
12 calendar year, HIPIOWA-FED shall determine the net  
13 premiums and payments, the expenses of administration,  
14 and the incurred losses of the program for the year.  
15 HIPIOWA-FED shall certify the amount of any net loss  
16 for the preceding calendar year to the commissioner of  
17 insurance and director of revenue and to the United  
18 States department of health and human services. In the  
19 event that additional federal funding is not provided  
20 to HIPIOWA-FED to offset the loss, the loss shall be  
21 assessed by the association on behalf of HIPIOWA-FED to  
22 all members of the association in proportion to their  
23 respective shares of total health insurance premiums  
24 or payments for subscriber contracts received in Iowa  
25 during the second preceding calendar year, or with paid  
26 losses in the year, coinciding with or ending during  
27 the calendar year or on any other equitable basis as  
28 provided in the plan of operation of the association  
29 or as required by the United States department of  
30 health and human services. In sharing losses, the  
31 association, on behalf of HIPIOWA-FED, may abate or  
32 defer in any part the assessment of a member, if, in  
33 the opinion of the board of the association, payment  
34 of the assessment would endanger the ability of the  
35 member to fulfill its contractual obligations. The  
36 association, on behalf of HIPIOWA-FED, may also provide  
37 for an initial or interim assessment against members of  
38 the association if necessary to assure the financial  
39 capability of HIPIOWA-FED to meet the incurred or  
40 estimated claims expenses or operating expenses of the  
41 temporary high-risk insurance pool program until the  
42 next calendar year is completed. Net gains, if any,  
43 must be held at interest to offset future losses or  
44 allocated to reduce future premiums.

45 Sec. \_\_\_\_\_. Section 514E.2, Code 2011, is amended by  
46 adding the following new subsections:

47 NEW SUBSECTION. 12A. The association shall be  
48 considered a governmental body for purposes of chapter  
49 21 and a government body for purposes of chapter 22.  
50 A person to whom the association delegates the duties

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1 and powers of the association shall be considered a  
2 governmental body for purposes of chapter 21 and a  
3 government body for purposes of chapter 22 to the  
4 extent that the person carries out the powers and  
5 duties of the association.  
6 NEW SUBSECTION. 12B. HIPIOWA-FED shall be  
7 considered a governmental body for purposes of chapter  
8 21 and a government body for purposes of chapter 22.  
9 A person to whom the duties and powers of the limited  
10 liability company are delegated shall be considered  
11 a governmental body for purposes of chapter 21 and  
12 a government body for purposes of chapter 22 to the  
13 extent that the person carries out the powers and  
14 duties of the limited liability company.  
15 Sec. \_\_\_\_\_. Section 514E.7, subsection 5, paragraph  
16 d, Code 2011, is amended by striking the paragraph.  
17 Sec. \_\_\_\_\_. Section 514J.103, subsection 1, Code  
18 Supplement 2011, is amended to read as follows:  
19 1. Except as provided in subsection 2, this chapter  
20 shall apply to all health carriers, including health  
21 carriers issuing a policy or certificate that provides  
22 coverage for dental care.  
23 Sec. \_\_\_\_\_. Section 514J.103, subsection 2, paragraph  
24 a, Code Supplement 2011, is amended to read as follows:  
25 a. A policy or certificate that provides coverage  
26 only for a specified disease, specified accident or  
27 accident-only, credit, disability income, hospital  
28 indemnity, long-term care, ~~dental care~~, vision care, or  
29 any other limited supplemental benefit.>  
30 2. Page 16, after line 17 by inserting:  
31 <Sec. \_\_\_\_\_. REQUEST FOR AMENDMENT OF CONTRACT  
32 PROVISIONS BY HIPIOWA-FED. Within thirty days after  
33 enactment of the sections of this Act amending sections  
34 514E.1 and 514E.2, HIPIOWA-FED, the limited liability  
35 company organized by the Iowa comprehensive health  
36 insurance association for the purpose of administering  
37 the state of Iowa temporary high-risk insurance pool  
38 program pursuant to a contract with the United States  
39 department of health and human services, shall request  
40 that the United States department of health and human  
41 services amend the requirements of the contract between  
42 HIPIOWA-FED and the department to allow HIPIOWA-FED  
43 to accept third-party payment of premiums for an  
44 individual enrolled in the program.>  
45 3. Page 16, after line 21 by inserting:  
46 <2. The section of this Act amending section  
47 514E.1.  
48 3. The sections of this Act amending section  
49 514E.2.>  
50 4. By renumbering as necessary.

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PETTENGILL of Benton





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Senate File 2313

H-8283

1 Amend the amendment, H-8223, to Senate File 2313,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 15, before line 22 by inserting:  
5 <Sec. \_\_\_\_\_. Section 8A.311, Code Supplement 2011, is  
6 amended by adding the following new subsections:  
7 NEW SUBSECTION. 12A. a. If the lowest responsive  
8 bid received by the state or a political subdivision  
9 for products or other purchases is from an out-of-state  
10 business and totals less than five hundred thousand  
11 dollars, and an Iowa-based business submitted a bid  
12 which is within five percent or ten thousand dollars  
13 of the price of the lowest bid, whichever is less,  
14 the Iowa-based business which submitted the lowest  
15 responsive bid shall be notified and shall be allowed  
16 to match the lowest bid before a contract is awarded.  
17 b. This subsection does not apply to a request  
18 for bids or proposals for products or other purchases  
19 associated with the following:  
20 (1) Road or bridge construction or repair.  
21 (2) Architectural or engineering services.  
22 NEW SUBSECTION. 12B. a. A response to a request  
23 for bids or proposals for products or other purchases  
24 by the state or a political subdivision which totals  
25 less than five hundred thousand dollars in value shall  
26 contain the following information:  
27 (1) The percentage of the ownership of the  
28 submitting business which is held by Iowa residents.  
29 (2) The percentage of the employees who will be  
30 carrying out work in connection with the contract  
31 who are Iowa residents. For the purposes of this  
32 paragraph, "employee" includes part-time, temporary,  
33 contract, and substitute employees, and includes  
34 employees of any contractors or subcontractors.  
35 (3) An estimate of the percentage of purchases  
36 to be made by the submitting business in connection  
37 with the contract that will be made from Iowa-based  
38 businesses.  
39 (4) The amount of property tax paid by the  
40 submitting business during the most recently completed  
41 fiscal year for which such a figure is available.  
42 b. This subsection does not apply to a request  
43 for bids or proposals for products or other purchases  
44 associated with the following:  
45 (1) Road or bridge construction or repair.  
46 (2) Architectural or engineering services.  
47 NEW SUBSECTION. 12C. Subsections 12A and 12B do  
48 not apply to procurement of or for public improvement  
49 projects.>  
50 2. By renumbering as necessary.

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THOMAS of Clayton



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Senate File 2123

H-8284

1 Amend Senate File 2123, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 124.201, subsection 4, Code  
5 2011, is amended to read as follows:  
6 4. If any new substance is designated as a  
7 controlled substance under federal law and notice of  
8 the designation is given to the board, the board shall  
9 similarly designate as controlled the new substance  
10 under this chapter after the expiration of thirty days  
11 from publication in the Federal Register of a final  
12 order designating a new substance as a controlled  
13 substance, unless within that thirty-day period the  
14 board objects to the new designation. In that case  
15 the board shall publish the reasons for objection  
16 and afford all interested parties an opportunity  
17 to be heard. At the conclusion of the hearing the  
18 board shall announce its decision. Upon publication  
19 of objection to a new substance being designated  
20 as a controlled substance under this chapter by the  
21 board, control under this chapter is stayed until  
22 the board publishes its decision. If a substance  
23 is designated as controlled by the board under this  
24 ~~paragraph~~ subsection the control shall be temporary and  
25 if within sixty days after the next regular session  
26 of the general assembly convenes it has not made the  
27 corresponding changes in this chapter, the temporary  
28 designation of control of the substance by the board  
29 shall be nullified.  
30 Sec. \_\_\_\_\_. Section 124.204, subsection 4, paragraph  
31 ai, Code Supplement 2011, is amended by striking the  
32 paragraph and inserting in lieu thereof the following:  
33 ai. (1) Salvia divinorum.  
34 (2) Salvinorin A.  
35 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-  
36 dimethyl-3-(2-methyloctan-2-yl)  
37 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol]].  
38 (4) HU-211(dexanabinol,  
39 (6aS,10aS)-9-(hydroxymethyl)-6,6-  
40 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
41 chromen-1-ol).  
42 (5) Unless specifically exempted or unless  
43 listed in another schedule, any material, compound,  
44 mixture, or preparation which contains any quantity of  
45 cannabimimetic agents, or which contains their salts,  
46 isomers, and salts of isomers whenever the existence of  
47 such salts, isomers, and salts of isomers is possible  
48 within the specific chemical designation.  
49 (a) The term "*cannabimimetic agents*" means any  
50 substance that is a cannabinoid receptor type 1 (CB1

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1 receptor) agonist as demonstrated by binding studies  
2 and functional assays within any of the following  
3 structural classes:  
4 (i) 2-(3-hydroxycyclohexyl)phenol with substitution  
5 at the 5-position of the phenolic ring by alkyl or  
6 alkenyl, whether or not substituted on the cyclohexyl  
7 ring to any extent.  
8 (ii) 3-(1-naphthoyl)indole or  
9 3-(1-naphthylmethane)indole by substitution at the  
10 nitrogen atom of the indole ring, whether or not  
11 further substituted on the indole ring to any extent,  
12 whether or not substituted on the naphthoyl or naphthyl  
13 ring to any extent.  
14 (iii) 3-(1-naphthoyl)pyrrole by substitution at  
15 the nitrogen atom of the pyrrole ring, whether or not  
16 further substituted in the pyrrole ring to any extent,  
17 whether or not substituted on the naphthoyl ring to any  
18 extent.  
19 (iv) 1-(1-naphthylmethylene)indene by substitution  
20 of the 3-position of the indene ring, whether or not  
21 further substituted in the indene ring to any extent,  
22 whether or not substituted on the naphthyl ring to any  
23 extent.  
24 (v) 3-phenylacetylindole or 3-benzoylindole by  
25 substitution at the nitrogen atom of the indole ring,  
26 whether or not further substituted in the indole ring  
27 to any extent, whether or not substituted on the phenyl  
28 ring to any extent.  
29 (b) Such terms include:  
30 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-  
31 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).  
32 (ii) JWH-018 and AM678  
33 1-Pentyl-3-(1-naphthoyl)indole.  
34 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.  
35 (iv) JWH-200  
36 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-  
37 naphthalenyl-methanone.  
38 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.  
39 (vi) JWH-81  
40 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.  
41 (vii) JWH-122  
42 1-pentyl-3-(4-methyl-1-naphthoyl)indole.  
43 (viii) JWH-250  
44 1-pentyl-3-(2-methoxynaphthoyl)indole.  
45 (ix) RCS-4 and SR-19  
46 1-pentyl-3-[(4-methoxy)-benzoyl]indole.  
47 (x) RCS-8 and SR-18 1-cyclohexylethyl-3-  
48 (-2-methoxyphenylacetyl)indole.  
49 (xi) AM2201  
50 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.

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1 (xii) JWH-203  
2 1-pentyl-3-(2-chlorophenylacetyl)indole.  
3 (xiii) JWH-398  
4 1-pentyl-3-(4-chloro-1-naphthoyl)indole.  
5 (xiv) AM694  
6 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
7 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog  
8 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.  
9 Sec. \_\_\_\_\_. Section 124.204, subsection 6, Code  
10 Supplement 2011, is amended by adding the following new  
11 paragraph:  
12 NEW PARAGRAPH. *i.* Any substance, compound,  
13 mixture or preparation which contains any quantity  
14 of any synthetic cathinone that is not approved as  
15 a pharmaceutical, including but not limited to the  
16 following:  
17 (1) Mephedrone, also known as  
18 4-methylmethcathinone,(RS)-2-  
19 methylamino-1-(4-methylphenyl) propan-1-one.  
20 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-  
21 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].  
22 (3) Methylone, also known as  
23 3,4-methylenedioxyethcathinone.  
24 (4) Naphthylpyrovalerone (naphyrone).  
25 (5) 4-fluoromethcathinone(flephedrone) or a  
26 positional isomer of 4-fluoromethcathinone.  
27 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).  
28 (7) Ethcathinone.  
29 (8) 3,4-methylenedioxyethcathinone(ethylone).  
30 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine  
31 (butylone).  
32 (10) N,N-dimethylcathinone(metamfepramone).  
33 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).  
34 (12) 4-methoxy-alpha-pyrrolidinopropiophenone  
35 (MOPPP).  
36 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone  
37 (MDPPP).  
38 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).  
39 (15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6  
40 6-amine) (MDAI).  
41 (16) 3-fluoromethcathinone.  
42 (17) 4'-Methyl-2-pyrrolidinobutiophenone (MPBP).  
43 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine  
44 (2C-E).  
45 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine  
46 (2C-D).  
47 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine  
48 (2C-C).  
49 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine  
50 (2C-I).

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1 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine  
2 (2C-T-2).  
3 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine  
4 (2C-T-4).  
5 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).  
6 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine  
7 (2C-N).  
8 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine  
9 (2C-P).>  
10 2. Page 1, after line 23 by inserting:  
11 <Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
12 d, Code Supplement 2011, is amended to read as follows:  
13 d. Violation of this subsection, with respect  
14 to any other controlled substances, counterfeit  
15 substances, or simulated controlled substances  
16 classified in section 124.204, subsection 4, paragraph  
17 "ai", section 124.204, subsection 6, paragraph "i",  
18 or classified in schedule IV or V is an aggravated  
19 misdemeanor. However, violation of this subsection  
20 involving fifty kilograms or less of marijuana or  
21 involving flunitrazepam is a class "D" felony.>  
22 3. Page 1, after line 26 by inserting:  
23 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
24 provisions of this Act, being deemed of immediate  
25 importance, take effect upon enactment:  
26 1. The section of this Act amending section  
27 124.201, subsection 4.  
28 2. The section of this Act amending section  
29 124.204, subsection 4, paragraph "ai".  
30 3. The section of this Act amending section  
31 124.204, subsection 6.  
32 4. The section of this Act amending section  
33 124.401, subsection 1, paragraph "d".>  
34 4. Title page, line 2, by striking <applicable> and  
35 inserting <applicable, and including effective date  
36 provisions>

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FRY of Clarke



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House File 2421

H-8285

1 Amend House File 2421 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 80B.11, subsection 1, paragraph  
5 c, Code 2011, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (3) In-service training under  
8 this paragraph ~~c~~ shall include the requirement  
9 that all law enforcement officers complete a course  
10 on mental health at least once every four years. In  
11 developing the requirements for this training, the  
12 director shall seek input from mental health care  
13 providers and mental health care consumers.

14 Sec. 2. Section 125.91, subsection 1, Code  
15 Supplement 2011, is amended to read as follows:

16 1. The procedure prescribed by this section  
17 shall only be used for an intoxicated person who  
18 has threatened, attempted, or inflicted physical  
19 self-harm or harm on another, and is likely to  
20 inflict physical self-harm or harm on another unless  
21 immediately detained, or who is incapacitated by a  
22 chemical substance, ~~if that person cannot be taken into~~  
23 ~~immediate custody under sections 125.75 and 125.81~~  
24 ~~because immediate access to the court is not possible~~  
25 as the respondent pursuant to section 125.75 and the  
26 person cannot be ordered into immediate custody and  
27 detained pursuant to section 125.81.

28 Sec. 3. Section 135C.3, subsection 1, Code 2011, is  
29 amended to read as follows:

30 1. A licensed nursing facility shall provide  
31 an organized twenty-four-hour program of services  
32 commensurate with the needs of its residents and  
33 under the immediate direction of a licensed nurse.  
34 Medical and nursing services must be provided  
35 under the direction of either a house physician  
36 or an individually selected physician. Surgery or  
37 obstetrical care shall not be provided within the  
38 facility. An admission to the nursing facility must  
39 be based on a physician's written order certifying  
40 that the individual being admitted requires no greater  
41 degree of nursing care than the facility to which the  
42 admission is made is licensed to provide and is capable  
43 of providing. The nursing facility is not required to  
44 admit an individual through court order, referral, or  
45 other means without the express prior approval of the  
46 administrator of the nursing facility.

47 Sec. 4. Section 135C.4, Code 2011, is amended to  
48 read as follows:

49 135C.4 Residential care facilities.  
50

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1 1. Each facility licensed as a residential care  
2 facility shall provide an organized continuous  
3 twenty-four-hour program of care commensurate with  
4 the needs of the residents of the home and under  
5 the immediate direction of a person approved and  
6 certified by the department whose combined training and  
7 supervised experience is such as to ensure adequate and  
8 competent care.

9 2. All admissions to residential care facilities  
10 shall be based on an order written by a physician  
11 certifying that the individual being admitted does  
12 not require nursing services or that the individual's  
13 need for nursing services can be avoided if home and  
14 community-based services, other than nursing care, as  
15 defined by this chapter and departmental rule, are  
16 provided.

17 3. For the purposes of this section, the home  
18 and community-based services to be provided shall  
19 be limited to the type included under the medical  
20 assistance program provided pursuant to chapter 249A,  
21 shall be subject to cost limitations established by  
22 the department of human services under the medical  
23 assistance program, and except as otherwise provided  
24 by the department of inspections and appeals with  
25 the concurrence of the department of human services,  
26 shall be limited in capacity to the number of licensed  
27 residential care facilities and the number of licensed  
28 residential care facility beds in the state as of  
29 December 1, 2003.

30 4. A residential care facility is not required to  
31 admit an individual through court order, referral, or  
32 other means without the express prior approval of the  
33 administrator of the residential care facility.

34 Sec. 5. Section 228.1, subsection 6, Code 2011, is  
35 amended by striking the subsection and inserting in  
36 lieu thereof the following:

37 6. "*Mental health professional*" means an individual  
38 who has either of the following qualifications:

39 a. The individual meets all of the following  
40 requirements:

41 (1) The individual holds at least a master's degree  
42 in a mental health field, including but not limited  
43 to psychology, counseling and guidance, nursing,  
44 and social work, or is an advanced registered nurse  
45 practitioner, a physician assistant, or a physician and  
46 surgeon or an osteopathic physician and surgeon.

47 (2) The individual holds a current Iowa license if  
48 practicing in a field covered by an Iowa licensure law.

49 (3) The individual has at least two years of  
50 post-degree clinical experience, supervised by another

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1 mental health professional, in assessing mental health  
2 needs and problems and in providing appropriate mental  
3 health services.

4     **b.** The individual holds a current Iowa license if  
5 practicing in a field covered by an Iowa licensure law  
6 and is a psychiatrist, an advanced registered nurse  
7 practitioner who holds a national certification in  
8 psychiatric mental health care registered by the board  
9 of nursing, a physician assistant practicing under the  
10 supervision of a psychiatrist, or an individual who  
11 holds a doctorate degree in psychology and is licensed  
12 by the board of psychology.

13     Sec. 6. Section 229.1, Code Supplement 2011, is  
14 amended by adding the following new subsection:

15     **NEW SUBSECTION. 8A. "Mental health professional"**  
16 means the same as defined in section 228.1.

17     Sec. 7. Section 229.1, subsection 14, Code  
18 Supplement 2011, is amended by striking the subsection.

19     Sec. 8. Section 229.1, subsection 16, Code  
20 Supplement 2011, is amended to read as follows:

21     16. "*Serious emotional injury*" is an injury  
22 which does not necessarily exhibit any physical  
23 characteristics, but which can be recognized and  
24 diagnosed by a licensed physician or other ~~qualified~~  
25 mental health professional and which can be causally  
26 connected with the act or omission of a person who is,  
27 or is alleged to be, mentally ill.

28     Sec. 9. **NEW SECTION. 229.5A Preapplication**  
29 **screening assessment — program.**

30     Prior to filing an application for involuntary  
31 hospitalization pursuant to section 229.6, the clerk  
32 of the district court or the clerk's designee shall  
33 inform the interested person referred to in section  
34 229.6, subsection 1, about the option of requesting  
35 a preapplication screening assessment through a  
36 preapplication screening assessment program. The state  
37 court administrator shall prescribe practices and  
38 procedures for implementation of the preapplication  
39 screening assessment program.

40     Sec. 10. Section 229.6, Code 2011, is amended to  
41 read as follows:

42     **229.6 Application for order of involuntary**  
43 **hospitalization.**

44     1. Proceedings for the involuntary hospitalization  
45 of an individual may be commenced by any interested  
46 person by filing a verified application with the  
47 clerk of the district court of the county where  
48 the respondent is presently located, or which is  
49 the respondent's place of residence. The clerk, or  
50 the clerk's designee, shall assist the applicant in

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1 completing the application. The application shall:  
2 1. ~~a.~~ State the applicant's belief that the  
3 respondent is seriously mentally impaired.  
4 2. ~~b.~~ State any other pertinent facts.  
5 3. ~~c.~~ Be accompanied by any of the following:  
6 ~~a.~~ (1) A written statement of a licensed physician  
7 in support of the application, ~~or.~~  
8 ~~b.~~ (2) One or more supporting affidavits otherwise  
9 corroborating the application, ~~or.~~  
10 ~~c.~~ (3) Corroborative information obtained and  
11 reduced to writing by the clerk or the clerk's  
12 designee, but only when circumstances make it  
13 infeasible to comply with, or when the clerk considers  
14 it appropriate to supplement the information supplied  
15 pursuant to, either ~~paragraph "a" or paragraph "b" of~~  
16 ~~this subsection~~ subparagraph (1) or (2).  
17 2. Prior to the filing of an application pursuant  
18 to this section, the clerk or the clerk's designee  
19 shall inform the interested person referred to  
20 in subsection 1 about the option of requesting a  
21 preapplication screening assessment pursuant to section  
22 229.5A.  
23 Sec. 11. Section 229.10, subsection 1, paragraph b,  
24 Code 2011, is amended to read as follows:  
25 b. Any licensed physician conducting an examination  
26 pursuant to this section may consult with or request  
27 the participation in the examination of any ~~qualified~~  
28 mental health professional, and may include with or  
29 attach to the written report of the examination any  
30 findings or observations by any ~~qualified~~ mental  
31 health professional who has been so consulted or has so  
32 participated in the examination.  
33 Sec. 12. Section 229.12, subsection 3, paragraph b,  
34 Code 2011, is amended to read as follows:  
35 b. The licensed physician or ~~qualified~~ mental  
36 health professional who examined the respondent shall  
37 be present at the hearing unless the court for good  
38 cause finds that the licensed physician's or ~~qualified~~  
39 mental health professional's presence or testimony  
40 is not necessary. The applicant, respondent, and  
41 the respondent's attorney may waive the presence or  
42 the telephonic appearance of the licensed physician  
43 or ~~qualified~~ mental health professional who examined  
44 the respondent and agree to submit as evidence the  
45 written report of the licensed physician or ~~qualified~~  
46 mental health professional. The respondent's  
47 attorney shall inform the court if the respondent's  
48 attorney reasonably believes that the respondent, due  
49 to diminished capacity, cannot make an adequately  
50 considered waiver decision. "Good cause" for finding

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1 that the testimony of the licensed physician or  
2 ~~qualified~~ mental health professional who examined the  
3 respondent is not necessary may include but is not  
4 limited to such a waiver. If the court determines that  
5 the testimony of the licensed physician or ~~qualified~~  
6 mental health professional is necessary, the court may  
7 allow the licensed physician or the ~~qualified~~ mental  
8 health professional to testify by telephone.

9 Sec. 13. Section 229.19, subsection 1, paragraph  
10 d, Code 2011, is amended by adding the following new  
11 subparagraph:

12 NEW SUBPARAGRAPH. (7) To utilize the related best  
13 practices for the duties identified in this paragraph  
14 "d" developed and promulgated by the judicial council.

15 Sec. 14. Section 229.19, subsection 1, Code 2011,  
16 is amended by adding the following new paragraph:

17 NEW PARAGRAPH. e. An advocate may also be  
18 appointed pursuant to this section for an individual  
19 who has been diagnosed with a co-occurring mental  
20 illness and substance-related disorder.

21 Sec. 15. Section 229.22, subsection 1, Code  
22 Supplement 2011, is amended to read as follows:

23 1. The procedure prescribed by this section shall  
24 ~~not be used unless when it appears that a person~~  
25 ~~should be immediately detained due to serious mental~~  
26 ~~impairment, but that person cannot be immediately~~  
27 ~~detained by the procedure prescribed in sections 229.6~~  
28 ~~and 229.11 because there is no means of immediate~~  
29 ~~access to the district court~~ an application has not  
30 been filed naming the person as the respondent pursuant  
31 to section 229.6, and the person cannot be ordered into  
32 immediate custody and detained pursuant to section  
33 229.11.

34 Sec. 16. Section 602.1209, Code 2011, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 15A. Prescribe practices and  
37 procedures for the implementation of the preapplication  
38 screening assessment program referred to in section  
39 229.5A.

40 Sec. 17. CONTINUATION OF WORKGROUP BY JUDICIAL  
41 BRANCH AND DEPARTMENT OF HUMAN SERVICES —  
42 CONSOLIDATION OF SERVICES — PATIENT ADVOCATE. The  
43 judicial branch and department of human services  
44 shall continue the workgroup implemented pursuant  
45 to 2010 Iowa Acts, chapter 1192, section 24,  
46 subsection 2, and extended pursuant to 2011 Iowa  
47 Acts, chapter 121, section 2, to study and make  
48 recommendations relating to the consolidation of  
49 the processes for involuntary commitment for persons  
50 with substance-related disorders under chapter 125,

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1 for intellectual disability under chapter 222, and  
2 for serious mental illness under chapter 229. The  
3 workgroup shall also include representatives from  
4 the department of public health. The workgroup shall  
5 also study and make recommendations concerning the  
6 feasibility of establishing an independent statewide  
7 patient advocate program for qualified persons  
8 representing the interests of patients suffering  
9 from mental illness, intellectual disability, or a  
10 substance-related disorder and involuntarily committed  
11 by the court, in any matter relating to the patients'  
12 hospitalization or treatment under chapters 125, 222,  
13 and 229, and shall also include recommendations for a  
14 patient advocate representing the interests of patients  
15 found not guilty of a crime by reason of insanity.  
16 The workgroup shall also consider the implementation  
17 of consistent reimbursement standards for patient  
18 advocates supported by a state-funded system and shall  
19 also consider the role of the advocate for a person who  
20 has been diagnosed with a co-occurring mental illness  
21 and substance-related disorder. The workgroup shall  
22 solicit input from current mental health advocates  
23 and mental health and substance-related disorder care  
24 providers and individuals receiving services whose  
25 interests would be represented by an independent  
26 statewide advocate program and shall submit a report on  
27 the study and make recommendations to the governor and  
28 the general assembly by December 1, 2012.

29 Sec. 18. COMPREHENSIVE JAIL DIVERSION PROGRAM  
30 — MENTAL HEALTH COURTS — STUDY. The division  
31 of criminal and juvenile justice planning of the  
32 department of human rights shall conduct a study  
33 regarding the possible establishment of a comprehensive  
34 statewide jail diversion program, including the  
35 establishment of mental health courts, for nonviolent  
36 criminal offenders who suffer from mental illness.  
37 The division shall solicit input from the department  
38 of human services, the department of corrections, and  
39 other members of the criminal justice system including  
40 but not limited to judges, prosecutors, and defense  
41 counsel, and mental health treatment providers and  
42 consumers. The division shall establish the duties,  
43 scope, and membership of the study commission and  
44 shall also consider the feasibility of establishing a  
45 demonstration mental health court. The division shall  
46 submit a report on the study and make recommendations  
47 to the governor and the general assembly by December  
48 1, 2012.

49 Sec. 19. PRIOR LAW ENFORCEMENT MENTAL HEALTH  
50 TRAINING. A law enforcement officer who has completed

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1 academy-approved mental health training within the  
2 twelve-month period prior to the effective date of this  
3 Act, either through in-service or academy-approved  
4 basic training, shall be considered to have met the  
5 first four-year mental health training requirement  
6 of section 80B.11, subsection 1, paragraph "c",  
7 subparagraph (3), as enacted in this Act.>

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SCHULTE of Linn



Iowa General Assembly  
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Senate File 2313

H-8286

- 1 Amend the amendment, H-8223, to Senate File 2313,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 8, by striking line 3 and inserting  
5 <240,957>  
6 2. Page 8, by striking line 11 and inserting  
7 <512,890>  
8 3. Page 8, by striking line 18 and inserting  
9 <1,133,580>  
10 4. Page 8, by striking line 31 and inserting  
11 <3,448,670>  
12 5. Page 9, by striking line 19 and inserting  
13 <40,950>  
14 6. Page 9, by striking line 38 and inserting  
15 <2,680,290>  
16 7. Page 10, by striking line 10 and inserting:  
17 <..... \$ 1,240,950>  
18 8. By striking page 10, line 23, through page 11,  
19 line 19.  
20 9. Page 12, by striking line 19 and inserting  
21 <1,575,180>  
22 10. Page 15, by striking lines 7 through 21.  
23 11. Page 16, after line 7 by inserting:  
24 <Sec. \_\_\_\_ . REPEAL. 2011 Iowa Acts, chapter 129,  
25 section 149, is repealed.>  
26 12. By renumbering as necessary.

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KELLEY of Jasper



Iowa General Assembly  
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Senate File 479

H-8287

1 Amend Senate File 479, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 484B.1, Code 2011, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 3A. "*Domesticated swine*" means  
7 livestock that is a member of the species or subspecies  
8 *sus scrofa domesticus*. "*Domesticated swine*" does not  
9 include a dangerous wild animal as defined in section  
10 717F.1, including a member of the species *sus scrofa*  
11 *linnaeus*, such as swine commonly known as a Russian  
12 boar or European boar of either sex.  
13 Sec. \_\_\_\_\_. Section 484B.4, subsection 1, Code 2011,  
14 is amended to read as follows:  
15 1. A person who owns or controls by lease or  
16 otherwise for five or more years, a contiguous tract  
17 of land having an area of not less than three hundred  
18 twenty acres, and who desires to establish a hunting  
19 preserve, to propagate and sell game birds and their  
20 young or unhatched eggs, ~~and~~ or shoot game birds, ~~and~~  
21 ungulates, or domesticated swine on the land, under  
22 this chapter or the rules of the commission, shall  
23 make application to the department for an operator's  
24 license. The application shall be made under oath of  
25 the applicant or under oath of one of its principal  
26 officers if the applicant is an association or  
27 corporation. Under the authority of this license, any  
28 property or facilities to be used for propagating,  
29 holding, processing, or pasturing of game birds, ~~or~~  
30 ungulates, or domesticated swine shall not be required  
31 to be contained within the contiguous land area  
32 used for hunting purposes. The application shall be  
33 accompanied by an operator's license fee of two hundred  
34 dollars.  
35 Sec. \_\_\_\_\_. Section 484B.4, subsection 2, paragraph  
36 d, Code 2011, is amended to read as follows:  
37 d. The game birds, ~~or~~ ungulates, or domesticated  
38 swine released on the preserve will not be detrimental  
39 to wildlife.  
40 Sec. \_\_\_\_\_. Section 484B.7, subsection 2, Code 2011,  
41 is amended to read as follows:  
42 2. Each licensee shall file an annual report with  
43 the department on or before April 30. The report  
44 shall detail the hunting preserve operations during  
45 the preceding license year. The original report shall  
46 be forwarded to the department and a copy shall be  
47 retained in the hunting preserve's file for three years  
48 from the date of expiration of the hunting preserve's  
49 last license issued. Records required by this section  
50 shall be entered in the annual report record within

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1 twenty-four hours of the event. Failure to keep or  
2 submit the required records and reports is grounds for  
3 refusal to renew a license for the succeeding year. An  
4 on-site inspection of property and facilities shall  
5 be conducted by an authorized agent of the department  
6 prior to the initial issuance of a hunting preserve  
7 license. The hunting preserve may be reinspected by  
8 an agent of the department at any reasonable time.  
9 A licensed hunting preserve shall maintain adequate  
10 facilities for all designated birds, ~~and~~ ungulates,  
11 or domesticated swine held under the hunting preserve  
12 license.

13 Sec. \_\_\_\_\_. NEW SECTION. 484B.12A Domesticated swine

14 1. The requirements of this chapter applicable  
15 to ungulates shall apply to domesticated swine. In  
16 addition, a person shall not obtain or retain a hunting  
17 preserve license to confine domesticated swine unless  
18 all of the following apply:

19 a. The domesticated swine must be confined by a  
20 fence as provided in section 484B.5 that is constructed  
21 in a manner and using materials approved by the  
22 department of natural resources in cooperation with the  
23 department of agriculture and land stewardship.

24 b. The department of natural resources shall  
25 provide for special tags to identify domesticated swine  
26 in the same manner as provided for ungulates in section  
27 484B.9.

28 c. In addition to the health requirements for  
29 ungulates provided in section 484B.12, a domesticated  
30 swine shall be subject to all statutes and rules  
31 applicable to the health of swine, as provided in Title  
32 V, subtitle 2, including the prevention, control,  
33 and eradication of diseases afflicting swine. The  
34 department of agriculture may adopt rules to provide  
35 for the testing of such swine. The department of  
36 agriculture and land stewardship may require special  
37 information included in records or reports as provided  
38 in section 484B.7.

39 2. The department of natural resources and the  
40 department of agriculture and land stewardship  
41 shall cooperate in administering this section.  
42 In administering this section, the department of  
43 agriculture and land stewardship may inspect a proposed  
44 hunting preserve and its facilities as provided in  
45 section 484B.4 and may inspect the records or reports  
46 of a hunting preserve licensee, and may inspect  
47 the licensed hunting preserve and facilities at any  
48 reasonable time.>

49 2. Page 1, before line 26 by inserting:

50 <Sec. \_\_\_\_\_. WILD BOARS.

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1 1. As used in this section, "wild boar" means swine  
2 that is a member of the species *sus scrofa linnaeus*,  
3 including but not limited to swine commonly known as a  
4 Russian boar or European boar of either sex.  
5 2. Notwithstanding chapter 717F, a person who since  
6 July 1, 2007, has confined one or more wild boars on  
7 a contiguous tract of land having an area of not less  
8 than three hundred twenty acres that is or has been  
9 licensed as a hunting preserve under chapter 484B shall  
10 have ninety days from the effective date of this Act to  
11 destroy all wild boars possessed by the person.  
12 3. A person who complies with subsection 2 shall  
13 not be subject to section 484B.13, 484B.14, or  
14 717F.11.>  
15 3. Title page, line 1, before <cats> by inserting  
16 <, and penalties relating to, swine classified as  
17 domesticated swine and wild boars and>  
18 4. By renumbering as necessary.

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HORBACH of Tama



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Senate File 2312

H-8288

1 Amend Senate File 2312 as follows:

2 1. Page 4, by striking lines 9 through 11  
3 and inserting <the district court or the clerk's  
4 designee shall require the interested person referred  
5 to in section 229.6, subsection 1, to request a  
6 preapplication>  
7 2. Page 5, by striking lines 6 through 8 and  
8 inserting <section, the clerk or the clerk's designee  
9 shall require the interested person referred to in  
10 subsection 1 to request a preapplication screening  
11 assessment pursuant>

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Senate File 2314

H-8289

- 1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, line 19, by striking <40,607,023> and  
4 inserting <40,327,023>  
5 2. Page 3, line 29, by striking <232,672,498> and  
6 inserting <231,872,498>

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WAGNER of Linn



Iowa General Assembly  
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Senate File 2164

H-8290

1 Amend Senate File 2164, as passed by the Senate, as  
2 follows:  
3 1. Page 2, after line 4 by inserting:  
4 <Sec. \_\_\_\_\_. Section 237A.5, subsection 2, Code 2011,  
5 is amended by adding the following new paragraph:  
6 NEW PARAGRAPH. *0g*. A person subject to a record  
7 check who is or was employed by a child care facility  
8 or child care home provider and is hired by another  
9 child care facility or child care home provider,  
10 shall be subject to a record check in accordance with  
11 this subsection. However, if the person was subject  
12 to an evaluation because of a transgression in the  
13 person's record and the evaluation determined that  
14 the transgression did not warrant prohibition of the  
15 person's involvement with child care and the latest  
16 record checks do not indicate there is a transgression  
17 that was committed subsequent to that evaluation,  
18 the person may commence employment with the other  
19 child care facility or provider in accordance with  
20 the department's evaluation and an exemption from  
21 any requirements for reevaluation of the latest  
22 record checks is authorized. Authorization of an  
23 exemption under this paragraph "*0g*" from requirements  
24 for reevaluation of the latest record checks by  
25 the department is subject to all of the following  
26 provisions:  
27 (1) The position with the subsequent employer  
28 is substantially the same or has the same job  
29 responsibilities as the position for which the previous  
30 evaluation was performed.  
31 (2) Any restrictions placed on the person's  
32 employment in the previous evaluation by the department  
33 shall remain applicable in the person's subsequent  
34 employment.  
35 (3) The person subject to the record checks has  
36 maintained a copy of the previous evaluation and  
37 provides the evaluation to the subsequent employer or  
38 the previous employer provides the previous evaluation  
39 from the person's personnel file pursuant to the  
40 person's authorization. If a physical copy of the  
41 previous evaluation is not provided to the subsequent  
42 employer, the record checks shall be reevaluated.  
43 (4) Although an exemption under this paragraph  
44 "*0g*" may be authorized, the subsequent employer may  
45 instead request a reevaluation of the record checks and  
46 may employ the person while the reevaluation is being  
47 performed.>  
48 2. Title page, line 3, after <facilities> by  
49 inserting <and child care facilities and homes>  
50 3. By renumbering as necessary.

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LOFGREN of Muscatine

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PETERSEN of Polk



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House File 2435

H-8291

1 Amend House File 2435 as follows:

2 1. Page 61, after line 23 by inserting:

3 <Sec. \_\_\_\_\_. Section 237A.13, subsection 7,  
4 paragraphs a and c, Code 2011, are amended to read as  
5 follows:

6 a. Families with an income at or below one hundred  
7 percent of the federal poverty level whose members ~~are~~  
8 employed, for at least twenty-eight hours per week in  
9 the aggregate, are employed or are participating at a  
10 satisfactory level in an approved training program or  
11 educational program, and parents with a family income  
12 at or below one hundred percent of the federal poverty  
13 level who are under the age of twenty-one years and are  
14 participating in an educational program leading to a  
15 high school diploma or the equivalent.

16 c. Families with an income of more than one hundred  
17 percent but not more than one hundred forty-five  
18 percent of the federal poverty level whose members ~~are~~  
19 employed, for at least twenty-eight hours per week in  
20 the aggregate, are employed or are participating at a  
21 satisfactory level in an approved training program or  
22 educational program.>

23 2. By renumbering as necessary.

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PETERSEN of Polk

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Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 19, 2012

Senate File 2121

H-8292

1 Amend Senate File 2121, as passed by the Senate, as  
2 follows:  
3 1. Page 6, after line 9 by inserting:  
4 <7. Promote the office's existing toll-free  
5 telephone line and electronic mail address as the  
6 "government watchdog hotline", and encourage persons  
7 to use the hotline to report fraud, waste, and  
8 malfeasance. The government watchdog hotline telephone  
9 number and electronic mail address shall be displayed  
10 on all state government internet sites, at highway rest  
11 areas, at the state fairgrounds, and to the extent  
12 practicable in state published materials.>

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PETERSEN of Polk

SF2121.5220 (2) 84

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jr/sc

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Iowa General Assembly  
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House Resolution 130 - Introduced

HOUSE RESOLUTION NO. 130

BY COMMITTEE ON ADMINISTRATION AND RULES  
(SUCCESSOR TO HSB 664)

1 A Resolution amending the permanent rules of the House  
2 of Representatives.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
4 That Rule 4, unnumbered paragraph 6 of the Rules of  
5 the House, as adopted by the House of Representatives  
6 during the 2011 Session in House Resolution 11, is  
7 amended to read as follows:

8 Members of the press may photograph from the press  
9 box, but shall not use artificial lighting without  
10 prior permission from the chief clerk of the house.  
11 Photographs shall not be taken on the house floor when  
12 the members are voting on a question put before the  
13 house. Photographs or video recordings of the voting  
14 boards shall not be taken while a nonrecord roll call  
15 vote is displayed. Photographs may be taken on the  
16 house floor at other times with the consent of the  
17 subject or subjects of the photography.

18 BE IT FURTHER RESOLVED, That Rule 4A of the Rules of  
19 the House, as adopted by the House of Representatives  
20 during the 2011 Session in House Resolution 11, is  
21 amended to read as follows:

22 Rule 4A

23 Use of ~~Telephonic or~~ Electronic Devices and Video  
24 Streaming in Chamber Restricted

25 1. A person present in the house chamber while the  
26 house is in order shall mute any cell phone, computer,  
27 or other electronic device under the person's control.

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1 The speaker may remove from the chamber any person  
2 acting in violation of this rule.

3 2. A member shall not use a cell phone or other  
4 electronic device to audibly transmit or receive  
5 communications while recognized by the presiding  
6 officer to speak in debate.

7 3. The speaker shall control the time, place,  
8 and manner of use of the house's internet video  
9 streaming system on the floor of the house and in the  
10 visitors' galleries. However, the speaker shall not  
11 edit, censor, or shut off the house's internet video  
12 streaming system during debate on the floor of the  
13 house.

14 BE IT FURTHER RESOLVED, That Rule 20, unnumbered  
15 paragraph 15 of the Rules of the House, as adopted by  
16 the House of Representatives during the 2011 Session in  
17 House Resolution 11, is amended to read as follows:

18 Each member, employee of the house, and registered  
19 lobbyist ~~shall~~ may report violations of this rule  
20 immediately to the sergeant-at-arms or the chief clerk.

21 BE IT FURTHER RESOLVED, That Rule 21 of the Rules of  
22 the House, as adopted by the House of Representatives  
23 during the 2011 Session in House Resolution 11, is  
24 amended to read as follows:

25 Rule 21

26 Distribution of Literature and Other Items

27 No person except a member or employee of the house  
28 of representatives shall generally distribute or  
29 cause to be distributed any pamphlets, material, or  
30 other printed literature, or any other items to the

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1 members' desks in the house without authorization. An  
2 employee of the house shall generally distribute or  
3 cause to be distributed such literature or items only  
4 on behalf of the employee's office or staff. Items  
5 which are permissible gifts under chapter 68B of the  
6 Code may be distributed to the members' desks with the  
7 authorization of the chief clerk.

8 All copies of pamphlets, material, or printed  
9 literature distributed by a member or employee of the  
10 house of representatives shall bear the name of the  
11 member or employee's office or staff.

12 Other distributions of pamphlets, material, or  
13 other printed literature shall bear their source of  
14 origin and be distributed through the legislative  
15 post office or to the members' desks by completing  
16 a form containing a member's or the chief clerk's  
17 authorization, with the authorization form ~~attached~~  
18 ~~to one copy of the distribution~~ filed with the chief  
19 clerk. The ~~copy with the attached~~ authorization form  
20 shall be retained for a reasonable time period by the  
21 ~~legislative post office~~ chief clerk.

22 BE IT FURTHER RESOLVED, That Rule 61, unnumbered  
23 paragraph 5 of the Rules of the House, as adopted by  
24 the House of Representatives during the 2011 Session in  
25 House Resolution 11, is amended to read as follows:

26 A bill, joint resolution, or nullification  
27 resolution for which a public hearing has been called  
28 can be voted to the calendar but cannot be debated  
29 until after the public hearing has been held. If a  
30 bill, joint resolution, or nullification resolution

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rj/nh

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1 for which a public hearing has been called is not  
2 debated by the house during the session in which it  
3 is introduced, the request for the public hearing is  
4 deemed to have lapsed upon adjournment sine die of that  
5 session.

6 BE IT FURTHER RESOLVED, That Rule 75 of the Rules of  
7 the House, as adopted by the House of Representatives  
8 during the 2011 Session in House Resolution 11, is  
9 amended to read as follows:

10 Rule 75

11 Voting in the House and Duty of Voting

12 Voting on a question put to members on the floor of  
13 the house shall not occur between midnight and 8 a.m.  
14 on any legislative day except for voting on a motion to  
15 recess, defer, or adjourn. Except as limited in Rule  
16 76, every member who is in the house when a question is  
17 put shall vote unless the house has excused that member  
18 from voting for special reasons; however, such member  
19 must have asked to be excused from voting prior to the  
20 time the speaker puts the question.



Iowa General Assembly  
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Senate File 2321

S-5096

1 Amend Senate File 2321 as follows:

2 1. Page 5, by striking lines 17 through 28 and  
3 inserting:

4 <For purposes of optimizing the job placement of  
5 individuals with disabilities, the division shall make  
6 its best efforts to work with community rehabilitation  
7 program providers for job placement and retention  
8 services for individuals with significant disabilities  
9 and most significant disabilities. By January 15,  
10 2013, the division shall submit a written report to the  
11 general assembly on the division's outreach efforts  
12 with community rehabilitation program providers.>

13 2. Page 29, after line 7 by inserting:

14 <Sec. \_\_\_\_\_. Section 261.19, subsection 3, Code  
15 Supplement 2011, is amended to read as follows:

16 3. A health care professional recruitment revolving  
17 fund is created in the state treasury as a separate  
18 fund under the control of the commission for deposit of  
19 moneys appropriated to or received by the commission  
20 for use under the program. ~~The commission shall~~  
21 ~~deposit payments made by health care professional~~  
22 ~~recruitment program recipients and the proceeds from~~  
23 ~~the sale of osteopathic loans awarded pursuant to~~  
24 ~~section 261.19, subsection 2, paragraph "b", Code 2011,~~  
25 ~~into the health care professional recruitment revolving~~  
26 ~~fund. Moneys credited to the fund shall be used to~~  
27 ~~supplement moneys appropriated for the health care~~  
28 ~~professional recruitment program, for loan repayment~~  
29 ~~in accordance with this section, and to pay for loan~~  
30 ~~or interest repayment defaults by program recipients.~~  
31 Notwithstanding section 8.33, any balance in the fund  
32 on June 30 of any fiscal year shall not revert to the  
33 general fund of the state but shall remain in the fund  
34 and be continuously available for loan forgiveness  
35 under the program. Notwithstanding section 12C.7,  
36 subsection 2, interest or earnings on moneys deposited  
37 in the fund shall be credited to the fund.>

38 3. By renumbering as necessary.

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BRIAN SCHOENJAHN

SF2321.5170 (2) 84

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Iowa General Assembly  
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Senate File 2316

S-5097

- 1 Amend Senate File 2316 as follows:  
2 1. Page 7, after line 8 by inserting:  
3 <\_\_\_\_. DEPARTMENT OF CULTURAL AFFAIRS  
4 For providing a grant to the Grout museum district  
5 for the Sullivan brothers veterans museum for costs  
6 associated with the oral history exhibit including but  
7 not limited to exhibit information technology, computer  
8 connectivity, and interactive display technologies:  
9 FY 2013-2014..... \$ 129,450>  
10 2. By renumbering as necessary.

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JEFF DANIELSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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Senate File 2317

S-5098

- 1 Amend Senate File 2317 as follows:
- 2 1. Page 13, after line 18 by inserting:
- 3 <Sec. \_\_\_\_\_. Section 483A.24, Code Supplement 2011,
- 4 is amended by adding the following new subsection:
- 5 NEW SUBSECTION. 7A. A resident of the state under
- 6 sixteen years of age is not required to have a fur
- 7 harvester license to accompany the minor's parent or
- 8 guardian, or any other competent adult with the consent
- 9 of the minor's parent or guardian, while the parent or
- 10 guardian or other adult is hunting raccoons so long as
- 11 the minor is not hunting and does not carry or use a
- 12 firearm or any other weapon.>
- 13 2. Title page, line 1, after <hunting> by inserting
- 14 <, fur harvester,>
- 15 3. By renumbering as necessary.

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PAUL MCKINLEY



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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Senate File 2316

S-5099

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 4, after line 29 by inserting:
- 3 <c. To Iowa state university of science and
- 4 technology to be used for the phase II expansion of a
- 5 building at the science and technology research park:
- 6 FY 2013-2014..... \$ 1,000,000>
- 7 2. By renumbering as necessary.

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MATT McCOY

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ROBERT BACON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 2315

S-5100

1 Amend House File 2315, as passed by the House, as  
2 follows:  
3 1. Page 1, line 3, before <A> by inserting <a.>  
4 2. Page 1, after line 10 by inserting:  
5 <b. Moneys in the fund shall not be used to finance  
6 the purchase by an individual of a manufactured home  
7 that is placed upon a rented lot in a manufactured  
8 home community or mobile home park unless the rental  
9 agreement meets the requirements of chapter 562B and  
10 chapter 648.>  
11 3. Page 2, after line 5 by inserting:  
12 <Sec. \_\_\_\_\_. Section 562B.10, subsection 4, Code  
13 2011, is amended to read as follows:  
14 4. Rental agreements shall be for a term of at  
15 least one year unless otherwise specified in the  
16 rental agreement. Rental agreements shall be canceled  
17 terminated by at least sixty days' written notice  
18 given by either party a tenant unless the tenant is  
19 terminating the rental agreement pursuant to a section  
20 of this chapter which allows for a shorter notice  
21 period. A landlord shall not cancel a rental agreement  
22 solely for the purpose of making the tenant's mobile  
23 home space available for another mobile home. Rental  
24 agreements shall be terminated by a landlord, or not  
25 renewed by a landlord, in a time and manner which  
26 complies with this chapter.  
27 Sec. \_\_\_\_\_. Section 562B.10, Code 2011, is amended by  
28 adding the following new subsection:  
29 NEW SUBSECTION. 4A. a. A landlord may terminate a  
30 tenancy during the initial twelve months of the tenancy  
31 if the tenant engages in any of the following:  
32 (1) A material noncompliance with the rental  
33 agreement.  
34 (2) A material violation of the manufactured  
35 mobile home community or mobile home park rules or  
36 regulations.  
37 (3) Any other violation of this chapter for which  
38 termination is a remedy.  
39 b. A landlord may terminate a tenancy after the  
40 initial twelve months, or may only fail to renew a  
41 tenancy, for any of the following reasons:  
42 (1) A legitimate and material business reason the  
43 impact of which is not specific to one tenant.  
44 (2) A change in the use of the land if a change in  
45 the use of the land is included in the rental agreement  
46 as grounds for termination or nonrenewal.  
47 (3) Any of the reasons included in paragraph "a".  
48 c. A landlord may terminate or not renew a tenancy  
49 pursuant to paragraph "b", subparagraphs (1) and (2),  
50 by a written notice given to the tenant at least sixty

HF2315.5171 (1) 84

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1 days prior to the periodic rental date specified in the  
2 notice. The notice shall specify all facts which give  
3 rise to the notice of termination or failure to renew.  
4 Sec. \_\_\_\_\_. Section 562B.25, subsection 2, Code 2011,  
5 is amended to read as follows:  
6 2. If rent is unpaid when due and the tenant  
7 fails to pay rent within ~~three~~ fourteen days after  
8 written notice by the landlord of nonpayment and of the  
9 landlord's intention to terminate the rental agreement  
10 if the rent is not paid within that period of time, the  
11 landlord may terminate the rental agreement.  
12 Sec. \_\_\_\_\_. Section 648.3, subsection 1, Code 2011,  
13 is amended to read as follows:  
14 1. Before action can be brought under any ground  
15 specified in section 648.1, except subsection 1, three  
16 days' notice to quit must be given to the defendant in  
17 writing. However, a landlord who has given a tenant  
18 three days' notice to pay rent and has terminated the  
19 tenancy as provided in section 562A.27, subsection 2,  
20 or fourteen days' notice to pay rent as provided in  
21 section 562B.25, subsection 2, if the tenant is renting  
22 the manufactured or mobile home or the land from the  
23 landlord, may commence the action without giving a  
24 three-day notice to quit.  
25 Sec. \_\_\_\_\_. Section 648.4, Code 2011, is amended to  
26 read as follows:  
27 **648.4 Notice terminating tenancy.**  
28 When the tenancy is at will and the action is based  
29 on the ground of the nonpayment of rent when due, no  
30 notice of the termination of the tenancy other than  
31 the three-day notice, or, if the tenant is renting  
32 the manufactured or mobile home or the land from the  
33 landlord, the fourteen-day notice pursuant to section  
34 562B.25, subsection 2, need be given before beginning  
35 the action.  
36 4. Title page, line 1, after <Act> by inserting  
37 <relating to manufactured housing and mobile homes by>  
38 5. Title page, line 1, after <fund> by inserting  
39 <and by including provisions relating to mobile and  
40 manufactured home tenancy rental agreements, notice of  
41 unpaid rent, and forcible entry and detainer actions>  
42 6. By renumbering as necessary.

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THOMAS G. COURTNEY

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Iowa General Assembly  
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House File 490

S-5101

1 Amend House File 490, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 668.11, Code 2011, is amended  
6 to read as follows:

7 **668.11 Disclosure Designation of and certifications**  
8 **by expert witnesses in liability cases involving**  
9 **licensed professionals.**

10 1. A party in a professional liability case brought  
11 against a licensed professional pursuant to this  
12 chapter who intends to call an expert witness of ~~their~~  
13 the party's own selection, shall certify designate to  
14 the court and all other parties the expert and include  
15 the expert's name, and qualifications, and the purpose  
16 for calling the expert, and the element or elements of  
17 the cause of action about which the expert will testify  
18 within the following time period:

19 a. The plaintiff within one hundred eighty days of  
20 the defendant's answer unless the court for good cause  
21 not ex parte extends the time of disclosure.

22 b. The defendant within ninety days of plaintiff's  
23 certification.

24 2. If a party fails to disclose an expert pursuant  
25 to subsection 1 or does not make the an expert  
26 available for discovery, the expert shall be prohibited  
27 from testifying in the action unless leave for the  
28 expert's testimony is given by the court for good cause  
29 shown.

30 3. This section does not apply to court appointed  
31 experts or to rebuttal experts called with the approval  
32 of the court.

33 4. a. An expert witness designated by the  
34 plaintiff to testify about a breach of the standard of  
35 care or causation of damages shall sign a certification  
36 at the time of designation stating that to the best  
37 of the expert's knowledge, information, and belief,  
38 based on the information reasonably available to the  
39 expert at the time of the certification, the expert has  
40 a good-faith belief that the defendant or defendants  
41 breached the applicable standard of care or that the  
42 breach was the cause of the damages alleged or both, if  
43 applicable.

44 b. An expert shall be given an opportunity to  
45 certify supplementary information if the substance of  
46 the expert's testimony relating to a breach of the  
47 standard of care or causation of damages has been  
48 updated, revised, or changed since the time of the  
49 original certification, in accordance with the rules  
50 of civil procedure.

HF490.5138 (3) 84

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1     5. Upon motion, the court may limit the number of  
2 experts designated by a party to avoid unreasonably  
3 cumulative or duplicative evidence, undue burden or  
4 expense, or for other good cause.>  
5     2. Title page, by striking lines 1 and 2 and  
6 inserting <An Act relating to the designation of and  
7 certifications by expert witnesses in liability cases  
8 involving licensed professionals.>

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COMMITTEE ON JUDICIARY  
EUGENE S. FRAISE, CHAIRPERSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 19, 2012

House File 2390

S-5102

1 Amend House File 2390, as passed by the House, as  
2 follows:  
3 1. Page 3, line 8, after <act.> by inserting <A  
4 visual depiction containing pictorial representations  
5 of different minors shall be prosecuted and punished as  
6 separate offenses for each pictorial representation of  
7 a different minor in the visual depiction. However,  
8 violations of this subsection involving multiple visual  
9 depictions of the same minor shall be prosecuted and  
10 punished as one offense.>

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COMMITTEE ON JUDICIARY  
EUGENE S. FRAISE, CHAIRPERSON



Iowa General Assembly  
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Senate File 2317

S-5103

- 1 Amend Senate File 2317 as follows:  
2 1. Page 3, line 15, by striking <\$ 17.00> and  
3 inserting <\$ ~~17.00~~ 10.00>  
4 2. Page 3, line 17, by striking <\$ 28.00> and  
5 inserting <\$ 21.00>  
6 3. Page 3, line 24, by striking <\$ 25.50> and  
7 inserting <\$ ~~25.50~~ 10.00>

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SHAWN HAMERLINCK



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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Senate File 2316

S-5104

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 3, after line 24 by inserting:
- 3 <Of the amount appropriated in this lettered
- 4 paragraph, \$200,000 shall be used for the installation
- 5 of an electric fish barrier for a creek in a county
- 6 with a population between 16,000 and 17,000 with a
- 7 county seat population between 4,500 and 5,000 as
- 8 determined by the 2010 federal decennial census.>
- 9 2. By renumbering as necessary.

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DENNIS H. BLACK

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DAVID JOHNSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 19, 2012

Senate File 2316

S-5105

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 5, by striking lines 24 through 29.
- 3 2. By renumbering as necessary.

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MARK CHELGREN



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 19, 2012

Senate File 2316

S-5106

- 1 Amend Senate File 2316 as follows:  
2 1. Page 2, after line 22 by inserting:  
3 <c. For providing a grant to the Grout museum  
4 district for the Sullivan brothers veterans museum  
5 for costs associated with the oral history exhibit  
6 including but not limited to exhibit information  
7 technology, computer connectivity, and interactive  
8 display technologies notwithstanding section 8.57,  
9 subsection 6, paragraph "c":  
10 FY 2012-2013..... \$ 150,000>  
11 2. Page 5, by striking lines 24 through 29.  
12 3. By renumbering as necessary.

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MATT McCOY





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 19, 2012

Senate File 2316

S-5107

- 1 Amend the amendment, S-5106, to Senate File 2316 as  
2 follows:  
3 1. Page 1, by striking lines 3 through 9 and  
4 inserting:  
5 <c. For continuation of the project recommended  
6 by the Iowa battle flag advisory committee to  
7 stabilize the condition of the battle flag collection,  
8 notwithstanding section 8.57, subsection 6, paragraph  
9 "c":>  
10 2. By renumbering as necessary.

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JAMES A. SEYMOUR

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MERLIN BARTZ



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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**Senate Study Bill 3195 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act providing volunteer fire fighters and emergency medical  
2 services personnel with an individual income tax credit and  
3 including effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6106XC (2) 84  
mm/sc



Iowa General Assembly  
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S.F. \_\_\_\_\_

1 Section 1. Section 422.12, subsection 1, Code 2011, is  
2 amended by adding the following new paragraphs:  
3 NEW PARAGRAPH. *Ob.* "Emergency medical services personnel"  
4 means an emergency medical care provider, as defined in section  
5 147A.1, who is certified as a first responder pursuant to  
6 chapter 147A.

7 NEW PARAGRAPH. *d.* "Volunteer fire fighter" means a  
8 volunteer fire fighter as defined in section 85.61 who has met  
9 the minimum training standards established by the fire service  
10 training bureau pursuant to chapter 100B.

11 Sec. 2. Section 422.12, subsection 2, Code 2011, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *c.* (1) A volunteer fire fighter and  
14 volunteer emergency medical services personnel credit equal  
15 to fifty dollars to compensate the taxpayer for the voluntary  
16 services if the volunteer served for the entire tax year.

17 If the taxpayer is not a volunteer fire fighter or volunteer  
18 emergency medical services personnel for the entire tax  
19 year, the maximum amount of the credit shall be prorated  
20 and the amount of credit for the taxpayer shall equal the  
21 maximum amount of credit for the tax year, divided by twelve,  
22 multiplied by the number of months in the tax year the taxpayer  
23 was a volunteer. The credit shall be rounded to the nearest  
24 dollar. If the taxpayer is a volunteer during any part of a  
25 month, the taxpayer shall be considered a volunteer for the  
26 entire month. If the taxpayer is a volunteer fire fighter and  
27 a volunteer emergency medical services personnel during the  
28 same month, a credit may be claimed for only one volunteer  
29 position for that month.

30 (2) The taxpayer is required to have a written statement  
31 from the fire chief or other appropriate supervisor verifying  
32 that the taxpayer was a volunteer fire fighter or volunteer  
33 emergency medical services personnel for the months for which  
34 the credit under this paragraph is claimed.

35 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,

LSB 6106XC (2) 84

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Iowa General Assembly  
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S.F. \_\_\_\_\_

1 2013.

2 Sec. 4. APPLICABILITY. This Act applies to tax years  
3 beginning on or after January 1, 2013.

4 EXPLANATION

5 This bill provides a nonrefundable individual income tax  
6 credit for an individual who was a volunteer fire fighter who  
7 has met the minimum training standards or certified volunteer  
8 emergency medical services personnel for the entire tax year.  
9 The credit is to compensate the individual for the volunteer  
10 services. The amount of the credit equals \$50. If the  
11 individual was not a volunteer for the entire tax year, the  
12 amount of credit is prorated based upon the months of volunteer  
13 service. A credit may be claimed for only one volunteer  
14 position per month.

15 The bill takes effect January 1, 2013, and applies to tax  
16 years beginning on or after January 1, 2013.